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**Please Direct All Correspondence to Customer Number 45311**

**TRANSMITTAL LETTER****INFORMATION DISCLOSURE STATEMENT**

App. No	:	Moss et al.
Filed	:	August 22, 2003
For	:	MVA EXPRESSING MODIFIED HIV ENVELOPE, GAG, AND POL GENES
Examiner	:	Robert A. Zeman
Art Unit	:	1645

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

January 3, 2005

(Date)

Nancy W. Vensko, Reg. No. 36,298

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) An Information Disclosure Statement and PTO/SB/08 equivalent listing references for consideration:
  - (X) Listing 6 references.
  - (X) Enclosing 6 references.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.

Nancy W. Vensko  
Registration No. 36,298  
Attorney of Record  
Customer No. 45,311  
(805) 547-5580



Docket No.: NIH211.001C1

Customer No. 45,311

## INFORMATION DISCLOSURE STATEMENT

Applicant : Moss et al.  
App. No : 10/646,628  
Filed : August 22, 2003  
For : MVA EXPRESSING MODIFIED HIV  
ENVELOPE, GAG, AND POL GENES  
Examiner : Robert A. Zeman  
Art Unit : 1645

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application is an Information Disclosure Statement by Applicant (PTO/SB/08 equivalent) listing 6 references to be considered by the Examiner. Also enclosed are 6 copies of foreign patent references and/or non-patent literature as listed on the Information Disclosure Statement.

This Information Disclosure Statement is being filed before the mailing date of a final action and before the mailing date of a Notice of Allowance.

### CERTIFICATION UNDER 37 C.F.R. § 1.97(e)(1)

I hereby certify that each item of information contained in this Statement was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

**Appl. No.** : 10/646,628  
**Filed** : August 22, 2003

**Docket No.** NIH211.001C1  
**Customer No.** 45,311

Thus, no fee is required as set forth in 37 C.F.R. § 1.97(c).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/31/05

By: 

Nancy W. Vensko  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Multiple sheets used when necessary)

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SHEET 1 OF 1

Application No.	10/646,628
Filing Date	August 22, 2003
First Named Inventor	Moss, Bernard
Art Unit	1645
Examiner	Robert A. Zeman
Attorney Docket No.	NIH211.001C1

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>1</sup>
	1	WO 91/07425	05/30/1991	Oncogen Limited Partnership		
	2	WO 01/92470 A2	12/06/2001	Emory University		

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>1</sup>
	3	Supplementary Partial European Search Report for co-pending European Application Serial No. 02 72 1259.	
	4	EARL, P.L. et al. "Comparison of vaccine strategies using recombinant env-gag-pol MVA with or without an oligomeric env protein boost in the SHIV rhesus macaque model" <i>Virology</i> (2002) 294:270-281.	
	5	GIRARD, M. et al. "New prospects for the development of a vaccine against human immunodeficiency virus type 1. An overview" <i>C.R. Acad. Sci. Paris, Sciences de la Vie/Life Sciences</i> (1999) 322:959-966.	
	6	MEN, R. et al. "Immunization of rhesus monkeys with a recombinant of modified vaccinia virus Ankara expressing a truncated envelope glycoprotein of dengue type 2 virus induced resistance to dengue type 2 virus challenge" <i>Vaccine</i> (2000) 18:3113-3122.	

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Examiner Signature	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

T<sup>1</sup> - Place a check mark in this area when an English language Translation is attached.